



## I. INTRODUCTION

The Department of Toxic Substances Control receives Public Records Act requests daily. This document provides guidance concerning: 1) public access to Department records; 2) documents that may be confidential and not subject to release to the public; and 3) roles and responsibilities of all Department personnel involved in making Department records available to the public.

All requests for records are subject to the California Public Records Act. Government Code §6250 et seq. If the requested records contain information provided to the Department pursuant to Division 4.5 of Title 22, California Code of Regulations (CCR), then disclosure of the records may also be subject to the Resource Conservation and Recovery Act (RCRA) §3007(b) (42 U.S.C. §6927 (b)), and EPA regulations set forth in 40 CFR Part 2, as applicable. Because the federal statute and regulations impose some conditions of disclosure different from those imposed merely by the California Public Records Act, each request must be initially analyzed to determine if it requests information provided to the Department pursuant to Division 4.5 of Title 22, CCR.

For simplicity and consistency, Department staff will treat all requests for information provided to the Department pursuant to Division 4.5 of Title 22 CCR as subject to federal disclosure requirements. For ease of reference, this document will refer to such requests as "Division 4.5 records". Any requirements applicable to "Division 4.5 records" which differ from those applicable to requests made only under the California Public Records Act will be explained in this document.